

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**JIM JONES, TERRENCE M.
SCHUMACHER, SHAD DAHLGREN,
HAROLD G. RICKERTSEN, TODD
EHLER, and ROBERT E. BECK III,**

Plaintiffs,

v.

**JOHN GALE, in his official capacity
as Secretary of State of Nebraska,
and JON BRUNING, in his official
capacity as Attorney General of
Nebraska,**

Defendants.

CASE NO. 8:04CV645

**DECLARATORY JUDGMENT
AND
PERMANENT INJUNCTION**

Pursuant to the Memorandum and Order issued by this Court on December 15, 2005 (Filing No. 107); the Opinion and Judgment of the United States Court of Appeals for the Eighth Circuit dated December 13, 2006 (Filing Nos. 128 and 129-1); and the Mandate of the United States Court of Appeals for the Eighth Circuit dated January 18, 2007 (Filing No. 124):

IT IS ORDERED:

1. Declaratory judgment in favor of the Plaintiffs is granted, in part, as follows:

(a). Neb. Const. Art. XII, § 8 ("Initiative 300") interferes with interstate commerce in violation of the Commerce Clause of the United States Constitution;

(b). The Nebraska Secretary of State and Nebraska Attorney General, in their official capacities, have deprived Plaintiffs of their rights under the

Commerce Clause in violation of 42 U.S.C. § 1983 by virtue of the enforcement of Initiative 300; and

(c). Initiative 300 violates the Americans with Disabilities Act, 42 U.S.C. § 12132;

2. The Defendants are permanently enjoined from enforcing, or taking any steps to enforce, Initiative 300; and

3. Counsel for the Plaintiffs may submit an application for their attorneys' fees pursuant to 42 U.S.C. § 1988 and 42 U.S.C. § 12205.¹

DATED this 25th day of January, 2007.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge

¹ Counsel for the Plaintiffs should contact chambers to indicate how much time they will require for the submission of their application for attorneys' fees. The Court will then set a briefing schedule for the resolution of issues related to the award of attorneys' fees.